

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1447 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NATVARLAL M VANIA

Versus

HEIRS OF G N GULABCHAND

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Appearance:

MR NILESH PANDAY for Petitioner  
MR BC DAVE for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH  
Date of decision: 26/03/98

ORAL JUDGEMENT

1. This matter was heard and pending for judgment before this Court when this Court was dealing with the work of Civil Revision Applications. When the matter was placed for dictation of judgment the parties had submitted for negotiating for settlement. Hence, the matter was adjourned as per the request of the parties. The matter then went before the Court taking the business

regarding Civil Revision Applications. On 16/3/1998 following order was passed (Coram : H.R. Shelat, J.) :-

"Mr. N.A. Pandya, Ld. Adv. representing the petitioner submits that this matter is already heard by Justice Parikh. He, therefore, requests to place the matter before Justice Parikh for final order.

The office is directed to place the matter before appropriate Bench taking required directions from the Hon'ble Chief Justice."

This Court had occasion to adjourn the matter to 22/3/1998 as per the request of the parties on account of their talks for settlement. On 23/3/1998 the petitioner submitted his pursis for withdrawal of the matter on account of the same having been settled outside the Court. Hence, although the papers were not before this Court, this Court was required to pass following order :-

"1. This Civil Revision Application was earlier fixed for judgment, but since the parties represented that they were negotiating for settlement, dictation of judgment was postponed. Today learned advocates appearing for the respective parties are present. They submitted a letter dated 23/3/1998 addressed by the petitioner (plaintiff) Natvarlal Manilal Shah inter-alia stating therein that the parties have settled the matter outside the Court and that this matter is not required to be proceeded with any further. He, therefore, would like to withdraw the same. On the strength of this letter Mr. Nilesh Pandya, learned advocate appearing for the petitioner as also petitioner Natvarlal Manilal Shah, who is also present in the Court submitted that the petition might be disposed of as withdrawn on account of the parties having settled the matter outside the Court. The communication dated 23/3/1998 is permitted to be taken on record and the matter is placed for passing order on tomorrow i.e. 24/3/1998."

2. Today when the matter has now been placed with the papers before this Court, both the learned advocates are present when this order is being passed.

3. In view of what is stated above, this Civil Revision Application is dismissed for want of prosecution as the parties have settled the matter outside the Court.

Rule is accordingly discharged. No order as to cost.

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\*\*PVR\*\* cra144780j.